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**JUL 27 2004**

**OFFICE OF PETITIONS**

In re Application of

Kopf et al.

Application No. 10/651,137

Filed: August 28, 2003

For: OPTICAL SHORT-CIRCUIT INSERT AND OPTICAL SHORT-CIRCUIT PLUG

Attorney Docket No: 41118US

Pub. No.: US 2004/0081407 A1

Pub. Date: April 29, 2004

This is a decision on the request for corrected patent applications publication under 37 CFR 1.221 (b), filed on June 26, 2004 for the above-identified application.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication fails to list Rudolf Kunstmann and Miquel Seidenfaden as inventors on the front page of the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup> The instant request does not identify a material mistake in the publication made by the Office.

The errors in omitting the two inventor's names on the front page of the publication are Office errors, but they are not material errors. The error in the inventorship does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

While each of the multiple Declarations provided by applicant listed each named inventor, the Declarations provided by applicant stated that only the third and fourth inventors were listed. To

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<sup>1</sup> Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

avoid this type of problem in the future, Declarations that properly label the first, second, third and fourth inventors should be used.

On January 22, 2004, a Filing Receipt was mailed, which listed the inventor's names as "Pia Kopf, Einhausen, Germany" and "Joachim Hahn, Schmitten, Germany". To avoid this type of problem in the future, applicant's representative should make request for a corrected filing receipt by mail or by using the facsimile number (703-746-9195) on the filing receipt.

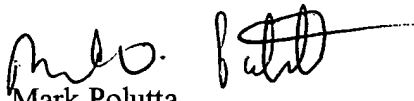
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), should be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

By facsimile: 703-305-8568

Inquiries relating to this matter may be directed to Mark Polutta (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark Polutta  
Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: Corrected Filing Receipt